

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Transport Department – Motor Vehicles – Stage Carriages – Inter-State Transport Reciprocal Agreement between the Government of Andhra Pradesh and Orissa – 1st Supplemental Transport Reciprocal Agreement – Publication under Sub-Section (5) of Section 88 of the Motor Vehicle Act, 1988 – Preliminary Notification – Issued.

TRANSPORT, ROADS & BUILDINGS (TR.I) DEPARTMENT

G.O.Ms.No. 41

Dated: 3rd February, 2009.

Read:-

1. G.O.Ms.No.294, Transport, Roads & Buildings
(Tr.I) Department, dated 13-10-2008
& & &.

ORDER :

The following Notification will be published in the Extra-Ordinary issue of the Andhra Pradesh Gazette dated 5th February, 2009:

PRELIMINARY NOTIFICATION

1. Whereas, a reciprocal agreement has been entered into between the Governments of Andhra Pradesh and Orissa in G.O.Ms.No.294, Transport, Roads & Buildings (Tr.I) Department dated the 13th October, 2008 regarding the operation of transport vehicles between Orissa and Andhra Pradesh States and to have details of various routes agreed in the Inter-State Agreements comprising all the agreements entered into between the two States and published in Part-I of the Extraordinary issue of the Andhra Pradesh Gazette No.586, dated 14th October, 2008;
2. And whereas, the Government of Andhra Pradesh considered it necessary in public interest to enter into further 1st Supplemental Transport Reciprocal Agreement regarding the operation of transport vehicles between the States of Andhra Pradesh and Orissa;
3. Now, therefore the following draft of the 1st Supplemental Transport Reciprocal Agreement which the Government of Andhra Pradesh proposes to enter with the Government of Orissa is hereby published as required by sub-section (5) of Section 88 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) for information of all those who are likely to be affected. Notice is hereby given that the said draft agreement will be taken up for consideration by the Minister for Transport, Government of Andhra Pradesh, Secretariat, Hyderabad, after expiry of thirty (30) days from the date of publication of this order in the Andhra Pradesh Gazette.
4. Objections and suggestions, if any, should be addressed in duplicate to the Principal Secretary to Government, Transport, Roads and Buildings (TR.I) Department, Government of Andhra Pradesh, Hyderabad.

1st SUPPLEMENTAL DRAFT AGREEMENT

Whereas it is decided to control and regulate the plying of transport vehicles on the inter-state routes between the States of Andhra Pradesh and Orissa and in continuation of all the previous agreements, it is hereby agreed to publish 1st Supplemental Agreement on the following terms and conditions entered into with the State of Orissa.

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(1) **STAGE CARRIAGES** : - In pursuance of the decisions arrived at the meeting of the State Transport Undertakings and the Transport commissioners of both the States, it has been mutually agreed to give effect the resolutions wherein the States of Orissa and Andhra Pradesh will be able to ply interstate buses by the respective State Transport Undertakings in a route length of the 10,362 Km and 10,344 KM respectively. The inter-State routes as mutually agreed are as shown under Annexures A-G:

- Annexure-A : The routes specified are for the operation by the State Transport Undertaking of Andhra Pradesh State
- Annexure-B : The routes specified are for the operation by the State Transport Undertaking of Orissa State
- Annexure-C : The routes specified are for augmentation of services by Andhra Pradesh State Transport Undertaking in Orissa State
- Annexure-D : The routes specified are for augmentation of services by Orissa State Transport Undertaking in Andhra Pradesh
- Annexure-E : The routes specified are proposed for modification with respect to the State Transport Undertaking of Andhra Pradesh in Orissa State
- Annexure-F : The routes proposed for deletion from operation with respect to State Transport Undertaking of Andhra Pradesh in Orissa State
- Annexure-G : The routes proposed for deletion from operation with respect to State Transport Undertaking of Orissa State in Andhra Pradesh
- Annexure-H : Parity of kilometers.

- (a) Operation of the stage carriages by the State Transport Undertakings as shown in the Annexures shall be as per the taxation Acts of the States concerned.
- (b) Spare buses upto 10% of the fleet of the State Transport Undertakings of both the States on inter-state routes will be allowed to ply on inter-state routes in the event of breakdown of regular route buses.
- (c) The State Transport Authority of the reciprocating State may accord general concurrence under section 88(7) of the said Act for issue of temporary permits as and when required.
- (d) If any discrepancy is noticed in future regarding distance of the route, same will be surveyed by the respective State Transport Authority and corrected through correspondence which shall not be treated as modification of agreement.

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- (e) In case of a stage carriage making two trips per day, the stage carriage shall start its journey from the home State and shall make night halt in the home State.
- (f) According to the provisions of Motor Vehicles Act, 1988, the basis of permit would be one permit per one vehicle and vehicle number should be mentioned in each permit. Wherever in earlier notification (s), there is mention of one permit for two trips, it would mean now two permits for two vehicles to perform two trips. Besides this in cases where two vehicles are borne in one permit that would now mean two permits for two vehicles.
- (g) Bi-lingual boards- The stage carriages plying on inter-state routes between Orissa and Andhra Pradesh should carry destination boards in Telugu and in Oriya.
- (h) Holder of permanent/temporary stage carriage permit whenever wants to discontinue the service shall surrender the permit before the primary permit granting authority and intimate the fact to the Countersigning Authority. The primary permit granting authority shall also intimate the fact of surrender of permit to the reciprocating state for record.
- (i) Diversion of Bus Services in case of Emergency : In case of natural calamities such as flood, cyclone, earthquake etc., the Orissa based vehicles shall ply in Andhra Pradesh on the routes other than the routes agreed to in order to reach the destinations and vice-versa. Permission for such diversion shall be accorded by the State Transport Authority concerned for a maximum period of 15 days at a time. In case such diversion is required for a longer period, permission may be granted by the State Transport Authority concerned on payment of tax with stipulation not to pickup or set down passengers on the deviation portions of the routes concerned.

(2). **NEW ROUTES:**

A separate meeting shall be convened within two months to examine the need for new routes as proposed by the Transport Commissioner, Orissa. The officers of both the State Governments will examine the feasibility of such routes at the said meeting.

(3) **ISSUE OF TEMPORARY STAGE CARRIAGE PERMITS TO STATE TRANSPORT UNDERTAKINGS:**

Pending finalization of the Reciprocal Transport Agreement, the State Transport Authorities of Orissa and Andhra Pradesh will issue temporary permits to the State Transport Undertakings of both the States on the routes identified for their operation in the Annexures as per the taxation Acts of the respective States.

(4) **OPERATION OF MOTOR-CABS & MAXI-CABS ON SUBSTANTIVE PERMITS:**

The contract carriage permits for motor-cab shall be countersigned by the State Transport Authority of the reciprocating State without any restriction on numbers. Maxi Cab strength for each State to be countersigned is fixed at 100 per State. Motor Vehicle Tax in respect of the motor-cabs & maxi-cabs shall be paid as per taxation Act of the respective State. There would be no ceiling on grant of permits to motor cabs.

(5) **OPERATION OF MOTOR-CABS & MAXI-CABS ON TEMPORARY PERMITS:**

Any number of temporary permits under section 87 of the Motor Vehicles Act, 1988 may be issued for motor-cabs & maxi-cabs by the competent Authority of either State for single return trip for a specified journey without countersignature. The motor vehicle tax shall be payable to the reciprocating State for the period for which the temporary permit so issued.

(6) **OPERATION OF PRIVATE SERVICE VEHICLES AND EDUCATIONAL INSTITUTION BUSES ON SUBSTANTIVE PERMITS:**

The permits for private service vehicles and educational institution buses shall be countersigned by the Competent Authority of the reciprocating State without any restriction on number. Motor Vehicle Tax in respect of the private service vehicles and educational institution buses shall be paid as per taxation Act of the respective State.

(7) **OPERATION OF PRIVATE SERVICE VEHICLES AND EDUCATIONAL INSTITUTION BUSES ON TEMPORARY PERMITS:**

Any number of temporary permits under section 87 of the Motor Vehicles Act, 1988 may be issued for private service vehicles and Educational Institution Buses by the Competent Authority of either State. The motor vehicle tax shall be payable to the reciprocating State for the period for which the temporary permits so issued.

(8) **GOODS CARRIAGE OPERATION ON SUBSTANTIVE PERMITS –**

- (a) The goods carriage permits of each State shall be countersigned by the State Transport Authority of the other State in accordance with the provisions of sub-section (1) of section 88 of the said Act without any restriction of quota.
- (b) The goods carriage shall not pick up or set down goods between two points situated in same State other than the home State.
- (c) The goods carriages of respective States plying on substantive permit countersigned by competent Authority of reciprocating state shall be liable to pay tax of **Rs. 5000/-** for minimum one year in advance for which authorization shall be issued subject to validity of substantive primary permit. Both the States may revise this tax rate mutually as and when required. Tax due to the reciprocating state shall be collected in the shape of bank draft by the permit granting authority and same will be sent to the State Transport Authority of the reciprocating State alongwith a statement of permits issued.
- (d) If the countersignature holders fail to pay tax due within one month from the date of expiry of the period for which the tax was last paid, the countersignature shall be deemed to have been cancelled and if the owner appears for renewal of authorization, it may be allowed on payment of fine of Rs.1000/ (Rupees one thousand) only.

(9) GOODS CARRIAGE OPERATION ON TEMPORARY PERMIT:

Transport Authority of either State without prior concurrence of the reciprocating State shall issue any number of temporary permits for goods carriages. Temporary permits so issued shall be subject to the following conditions: -

- (a) That the vehicle shall not be used for picking up and setting down goods between any two points lying exclusively within the jurisdiction of the reciprocating State.
- (b) Motor Vehicles Tax payable in respect of goods carriage shall be paid in advance to the reciprocating State. Tax due to the reciprocating State shall be collected in shape of bank draft by the permit granting authority and same will be sent to the State Transport Authority of the reciprocating State alongwith a statement of permits issued.

(10) Reciprocal sharing of facilities by Andhra Pradesh State Road Transport Corporation and Orissa State Road Transport Corporation:

It has been agreed that both the Corporations will extend mutual co-operation in sharing facilities and services at Vizianagaram, Jeypore and Koraput Depots.

11. TAXATION:

- a) Taxes by various kinds of vehicles covered by this reciprocal agreement shall be payable in advance as per the provisions contained in the Motor Vehicles Taxation Act and Rules of the respective State.
- b) All transport vehicles not covered by any agreement while operating in the other State, shall be liable to pay all the taxes leviable in the other State.

c) MODE OF PAYMENT OF TAX:

Both the States shall ensure recovery of tax due for reciprocating State. It shall be the duty of the permit holder of all class of vehicles except stage carriages to ensure payment of tax due for the other State before entering into the jurisdiction of that State.

d) RECOVERY OF ARREAR TAX:

Both the States will render necessary co-operation to collect arrear tax, penalty that would be due from the vehicles of the reciprocating State.

12. GENERAL

- a) Both the States would render mutual assistance for collection of arrears of tax and penalties due to the reciprocate State.

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- b) The State of Andhra Pradesh shall consider refund/adjustment of tax and penalty, if any, paid by Orissa State Road Transport Corporation, in excess of what is due. Like wise similar claims of Andhra Pradesh State Road Transport Corporation, if any, shall be considered by the Orissa authorities in respect of arrear taxes & penalty.
- c) The vehicles owned by the Government of reciprocating State used for non-commercial purpose shall be totally exempted from payment of motor vehicles tax in the reciprocating State.
- d) The stage carriages shall be permitted to divert their services on inter-state routes specified in the agreement in case of construction of new road subject to the approval of concerned State Transport Authority.
- e) Each State shall accord recognition to Tax Token, Registration Certificates, Fitness Certificate, Driving License, Conductor's License, Badges issued by the authority of reciprocating State.
- f) The gross vehicle weight of a transport vehicle shall not exceed the limit fixed by the MOST (Ministry of Road Transport & Highways) which should be followed by both the States.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K. PARIDA,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner, Printing, Andhra Pradesh, Hyderabad
(He is requested to publish the Notification in the Extra-ordinary issue of A.P. Gazette dated.05.02.2009 and furnish 500 copies to the Government)
The Commissioner, Information & Public Relations, Andhra Pradesh, Hyderabad
(He is requested to publish the Notification in one of the largest circulated Newspapers in the regional language.)
The Transport Commissioner, Andhra Pradesh, Hyderabad
The Vice Chairman & Managing Director, APSRTC, Hyderabad
The Director General of Police, Andhra Pradesh, Hyderabad
The Secretary to Government of India, Ministry of Surface Transport (MRT&H), New Delhi.

Copy to:

The P.S. to Minister for Transport, Government of Andhra Pradesh, Hyderabad
The P.S. to Minister for Transport, Government of Orissa, Bhubaneswar
The Principal Secretary to Government, Transport Department, Government of Orissa, Bhubaneswar.
The Transport Commissioner, Orissa State, Cuttack
The Managing Director, OSRTC, Bhubaneswar, Orissa State
The Law (E) Department
SF/SCs.

//FORWARDED BY ORDER//

SECTION OFFICER.